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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,005	Applicant(s) VIOLET ET AL.	
	Examiner Jeffrey C. Pwu	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/14/05 Amendment & 8/16/05 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "some of the other computers". There is insufficient antecedent basis for this limitation in the claim.

4. Claim 1 recites the limitation "the latter". There is insufficient antecedent basis for this limitation in the claim.

5. Claim 1 recites the limitation "a function of their availability". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Passera et al. (U.S. 5,909,681) in view of Ellis, III (U.S. 2001/0013049)

8. Claims 1, 3-6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Krum (U.S. 6,618,820).

Regarding claim 1, Passera teaches a computational data processing system, comprising: an assembly of networked computers (12, ...22) in each of which is stored at least one computational application [Passers -- Figures Col. 5 lines 50-67 - Col. 6 lines 1-9 - Plurality of processors networked together, i.e. networked computers, contain at least one application, i.e. BuildModel Master, BuildModel Slave, ApplyModel Master or ApplyModel Slave], and a data processing machine (10) for storing computational data which is linked to the network and in communication with the computers (12, ... 22) [Passera -- Figure 1, Col. 5 lines 64-67 and Col. 10 lines 31-38 - Data set is required and is obviously stored in a data structure on a storage device of the control/master computer. All computers belong to the network, therefore, storage is accessible to other machines], at least one of the computers (12) operating as master computer and at

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least some of the other computers (14, ... 22) operating as slave computer [Passera -- Figures 1 and 2 and Col. 6 lines 10-20 - System comprises both master computer and slave computers]], characterized in that at least one of the computers (12) comprises, stored in memory, an algorithm for configuring the other computers of the network as slave computers and an executable master application for managing the tasks of each slave computer [Passera -- Figures 3, 13, 16 and 17 and Col. 6 lines 1-9, lines 21-29, lines 38-67 and Col. 9 lines 23-57 - Both master and slave computers store and execute the appropriate application for configuring themselves to execute processes on a data set when directed by the master] and of corresponding computational data which are stored in the storage machine (10) [Passera -Figure 1, Col. 5 lines 64-67 and Col. 10 lines 31-38 - Data set is required and is obviously stored in a data structure on a storage device of the control/master computer].

Passera fails to explicitly teach wherein said configuring algorithm and said master application are loaded into each computer of the network.

Ellis, III, however, discloses a processing system for configuring algorithm and load master application into each computer of the network [Ellis, III – paragraph [0096]; "any computer can potentially be both a user and provider, alternatively--a dual mode operating capability. Consequently, any PC 1 within the network 2, preferably connected to the Internet 3 (and successors like the MetaInternet), can be temporarily a master PC 30 at one time initiating a parallel or multitasking processing request to the network 2 for execution by at least one slave PC 40, as shown in FIG. 10E. At another time the same PC 1 can become a slave PC 40 that executes a parallel or multitasking processing request by another PC 1' that has temporarily

assumed the function of master 30, as shown in FIG. 10F. The simplest approach to achieving this alternation is for both master and slave versions of the parallel processing software to be loaded in each or every PC 1 that is to share in the parallel processing, so each PC 1 has the necessary software means, together with minor operational modifications, such as adding a switching means by which a signaled request for parallel processing initiated by one PC 1 user using master software is transmitted to at least a second PC 1, triggering its slave software to respond by initiating parallel processing.”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the configuring algorithm and loading master application into each computer of the network, as taught by Ellis, III, into the invention of Passera, in order to provide better and more efficient handling for high demand jobs and faster processing and completion of tasks.

Regarding claim 3, Passers- Ellis, III teach the invention substantially as claimed, as aforementioned in claim 2 above, including a system characterized in that each computer furthermore comprises an executable slave application under the control of the master computer (12) when this computer is configured as slave, for the local management of the computational application [Passers -- Figure 1.3, Col. 6 lines 1-9, Col. 9 lines 23-29, Col. 9 lines 42-67 - Col. 10 lines 1-27 and Col. 11 lines 14-49 - Each slave contains program code, i.e. BuildModel Slave and ApplyModel Slave, to configure the slaves and to control the execution once the data set is sent to a slave for processing], the said slave application comprising software means for talking to the storage machine (10) [Passera -- Figure 1, Col. 5 lines 64-67 and Col. 10 lines 31-38 -

Data set is required and is obviously stored in a data structure on a storage device of the control/master computer. In order for the slaves to receive, process and store data, they must contain code to "talk" to machine housing data set].

Regarding claim 4, Passera- Ellis, III teach the invention substantially as claimed, as aforementioned in claim 3 above, but fails to explicitly teach using the file transfer protocol (FTP) for exchanging data. The use of FTP for transferring files from a client to a server was notoriously well known and obvious in the art. This protocol is commonly and extensively used throughout the world of networking for transferring data from one machine to another. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of FTP for exchanging data into the invention of Passera- Ellis, III in order to provide a fast, easy and well-known protocol means for transferring information/data between machines.

Regarding claim 6, Passera- Ellis, III teach the invention substantially as claimed, as aforementioned in claim 1 above, including a system characterized in that the configuring algorithm comprises software means for formulating a man/machine interface (24) suitable for display on a screen of each computer for the configuring of the said computers [Passera -Figure 1, Col. 5 lines 50-67 - Col. 6 lines 1-9, Col. 6 lines 38-42 and Col. 11 lines 26-28 Code which is used to develop neural network and provide training is required and therefore was obviously created by a user using an interface. Thus, software used to code the programs, i.e. BuildModel Master, etc. was used to display the code and provide the resources for the developer to code the program, namely, the man/machine interface].

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Allowable Subject Matter

9. Claims 5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/11/05

JEFFREY C. PWU
PATENT EXAMINER